

**MINUTES  
CITY OF EDINA, MINNESOTA  
PLANNING COMMISSION  
CITY COUNCIL CHAMBERS  
JUNE 1, 2011  
7:00 P.M.**

**I. CALL TO ORDER**

Chair Grabel called the meeting of the Planning Commission to order at 7:02 P.M.

**II. ROLL CALL**

Answering roll call were Commissioners Carpenter, Scherer, Staunton, Schroeder, Fischer, Forrest, Platteter, Potts, Stefanik and Chair Grabel.

**III. APPROVAL OF MEETING AGENDA**

**Motion made by Commissioner Staunton and seconded by Commissioner Fischer approving the meeting agenda. All voted aye; motion carried.**

**IV. APPROVAL OF MINUTES**

**Motion made by Commissioner Fischer and seconded by Commissioner Carpenter approving the minutes of the regular meeting of the Planning Commission on June 1, 2011. All voted aye; motion carried.**

**V. COMMUNITY COMMENT**

No comment

**VI. PUBLIC HEARINGS**

**B-11-01                      Joel and Amy Anderson  
6808 Cheyenne Trail**

**A 21.2 – foot front yard setback variance**

Planner Aaker informed the Commission that property owners Joel and Mary Anderson are requesting to build a two story walk-out home with a footprint of 4,287 square feet on their vacant lot located at 6808 Cheyenne Circle. The property backs up to Indianhead Lake. The property is a corner lot with street frontage along Cheyenne Trail and Cheyenne Circle. The ordinance indicates that the setback along both street frontages is determined by averaging the front yard setbacks of the adjacent homes located at 6804 Cheyenne Trail, (40.8 feet), and 6812 Cheyenne Circle, (52.9 feet). The

average front yard setback for the subject property is established at 46.9 feet. The new home would be built to conform to the frontyard setback along Cheyenne Trail and provide a 25.6 foot front yard setback along Cheyenne Circle. The new home was designed to conform to all of the zoning ordinance requirements with the exception of the setback required along Cheyenne Circle. The previous home located on the property provided a 23 foot setback along Cheyenne Circle.. The new home would improve upon the setback of the previous home by approximately 2 feet. The lot is unique in shape with much of the lot affected by the deep front yard setback and 75 foot setback required from Indianhead Lake. The lot is unusual in shape with the required setbacks narrowing opportunity for location of a building pad towards the back of the lot.

Planner Aaker pointed out that it should be noted that the Zoning Board of Appeals approved a similar front yard setback variance for the property from Cheyenne Circle right-of-way in 2006 to allow a home to be built on site with a larger footprint of 5,070 square feet in 2006 than the applicant's proposed home. The design would have provided a 30 foot setback from Cheyenne Circle right-of-way. The home was never built and the variance that was tied to the survey presented has long since expired. Even though the home plan approved in 2006 was never built, conditions present on the property in support of a front yard setback variance from Cheyenne Circle are consistent and still remain.

Planner Aaker concluded that staff recommends variance approval based on the following findings:

- 1) With the exception of the variance requested, the proposal would meet the required standards and ordinances for the R-1, Single Dwelling Unit District.
- 2) The proposal would meet the required standards for a variance, because:
  - a. The proposed use of the property is reasonable; as it is consistent and improves upon a nonconforming setback that had historically been provided by the previous home located on the property.
  - b. The lot configuration and imposed setbacks narrow and limit design opportunities toward the back of the lot where it would be reasonable to locate the home. The new home is entirely behind the back wall of the previous home, however, still cannot maintain the required setback within the radius of Cheyenne Circle cul-de-sac.
  - c. The intent of the ordinance is to maintain an even and consistent streetscape given surrounding property improvements. Part of the unique charm of the Indian Hills neighborhood is that there is no even or consistent streetscape.
- 3) The unique circumstances are the configuration of the lot combined with the required setbacks and inconsistency with which homes have been placed on the lots throughout the neighborhood.

Approval of the variance is also subject to the following conditions:

- 1) Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, unless modified by the conditions below:
  - Survey date stamped: October 19, 2010.
  - Building elevations date stamped: May 19, 2011.
- 2) Submit a copy of the plan for a Nine Mile Creek Watershed District permit. The city may require revisions to the approved plans to meet the district's requirements.

### **Appearing for the Applicant**

Ms. Anderson and Scott Busyn, builder.

Ms. Anderson addressed the Commission and informed them she loves the Indian Hills neighborhood and wants to build a house that wasn't as large as the previously approved house and without the turret. Ms. Anderson asked the Commission for their support.

### **Discussion**

Commissioner Forrest asked Planner Aaker to clarify for her how the front yard setback for the new home was determined. Ms. Aaker responded that the front yard setback for the new home was determined by averaging the front yard setbacks of the homes located at 6804 Cheyenne Trail and 6812 Cheyenne Circle. Aaker acknowledged that the lots in Indian Hills were uniquely platted, adding the subject lot is considered a corner lot.

Chair Grabiell opened the public hearing.

### **Public Comment(s)**

Daryl Boyd, 6816 Cheyenne Circle spoke in support of the proposal as presented. He also said he was asked to speak on behalf of Mr. Peterson (6812 Cheyenne Circle) to give his support for the project.

Chair Grabiell reported that the City received a letter of support from the property owners at 6804 Cheyenne Trail.

**Commissioner Scherer moved to close the public hearing. Commissioner Carpenter seconded the motion. All voted aye; motion to close public comments carried.**

### **Motion**

**Commissioner Fischer moved approval of a 21.2-foot front yard setback variances to build a new home. Commissioner Scherer seconded the motion.**

**Commissioner Staunton asked for acceptance of an amendment to the motion adding to the findings that the lot coverage of the new home is less than 14%, the building has been shifted and that there is only a width of 38-feet between setbacks.**

**Commissioner Fischer and Scherer accepted the amendment.**

**All voted aye; motion carried. 10-0.**

## **VII. REPORTS/RECOMMENDATIONS**

### **A. Sketch Plan Review – JMS – 5020 and 5024 Indianola Avenue**

Planner Aaker delivered a brief power point presentation outlining the sketch plan. Aaker pointed out the following:

Applicant proposes to -

- Build seven (7) detached homes over the four lot, 26,730 square foot area.
- Underground parking for each of the units
- Access from Indianola
- Density would be 11 units per acre
- Comprehensive Plan Amendment
- Rezoning

Chair Grabiell noted that the sketch plan appears similar to the townhouses built on France Avenue. Planner Aaker agreed, adding that there are similarities and differences, both abutting residential (R-1) properties; however, the townhouses on France Avenue are consistent with the City's Comprehensive Plan.

Commissioner Platteter asked Planner Aaker if Jay Place was a public road. Planner Aaker responded in the affirmative; acknowledging that it functions more like an alley.

Commissioner Fischer asked if any consideration was given to a PUD process. Planner Aaker responded that was a thought by the applicant; however, Edina's code prohibits a PUD development in the R-1 Zoning District.

### **Appearing for the Applicant**

Jeff Schoenwetter, applicant and Kathy Alexander, architect.

### **Applicant Presentation**

Jeff Schoenwetter gave the Commission a brief overview of his past projects. Schoenwetter told the Commission the proposed project would be called "Bishops Walk". Schoenwetter delivered a power point presentation highlighting aspects of the sketch plan proposal for seven (7) detached homes as follows:

- The proposal is in response to the market for smaller homes close to amenities
- All homes are 1, 1 ½ or 2-story design. Shorter elevation than surrounding structures.
- Transitional ergonomics
- Transitional Zoning
- Pedestrian life style. De-emphasizing the automobile.
- Green roof design; natural green grass planted upon the roof of parking garage
- Private patios
- Photocell controlled illumination
- Development will have a Home Owners Association (HOA).
- PRD or PSR Zoning. Schoenwetter explained they are very receptive to a PSR zoning.
- Units will be owned not rented.

With graphics Schoenwetter highlighted renderings of the proposal and the impact of the proposal from south, north, east and west. In conclusion Schoenwetter said in his opinion Bishops Walk is a good example of creativity. Schoenwetter pointed out this was an "infill" site and any redevelopment of these sites needs to be done with sensitivity to the surrounding neighborhood. Concluding, Schoenwetter said the proposed homes would not be large-with footprints between 900 and 1200 square feet. Schoenwetter asked the Commission to note that if the site were rezoned to PSR a 2-bedroom limit was attached to that zoning classification.

Kathy Alexander told the Commission she is very excited to be part of this project adding the proposal addresses the current demands of the market place and in her opinion would be a great addition to Edina.

### **Discussion**

The following questions, comments and concerns were raised by Commissioners:

- The Commission questioned parking for the church? Planner Aaker said that church parking is non-conforming and will continue to be non-conforming. The proposal will not alter that fact. It was also noted as previously presented that this project includes "shared" parking with the church.

- The Commission asked if the City's parking requirements are met for this proposal alone. Planner Aaker responded in the affirmative. Mr. Schoenwetter also addressed this question and stated if the proposal was approved there would be no net loss of parking. Expanding on the question Schoenwetter said the plan indicates 2+ parking spaces per unit, adding they are working toward providing 3 parking spaces per unit. Schoenwetter noted that if the proposal was rezoned to a PSR zoning classification the parking provided would be twice the PSR parking requirement.
- The Commission asked what separates the proposed homes from the church parking lot. Schoenwetter said the north sides of the homes are considered the rear yard and a maintenance free fence will separate the rear yard of the homes from the new church parking spaces that will run east and west along the northern border of the site. The Commission asked Mr. Schoenwetter for clarification on the location of the private patios. Schoenwetter explained that the private patios will be positioned between each home. The patios would be similar in size to a deck.
- The Commission asked for clarification on the "green roof" and hard cover. Mr. Schoenwetter said that the proposed "green roof" would handle run off; but acknowledged at a lesser rate than natural soil. The Commission questioned if the City's definition of "hard cover" includes or excludes the green roof, not on how much green space the site has, but on the capacity to hold water. Planner Aaker responded that the City's Ordinances do not address that difference. Aaker added that the project would need to obtain a permit from the watershed district before construction could begin. The Commission reiterated that Schoenwetter should look at run-off and seek watershed district input on the project. The Commission reiterated there is a difference between "manufactured" green space and natural green space. Schoenwetter said he also would be willing to engage an engineer knowledgeable on rain water management/green roof, etc.
- The Commission suggested that sidewalk connections need to be implemented into the site and if this project was carried forward to look carefully at the possibility of providing those sidewalk connections. Continuing, the Commission noted if the site was marketed as walkable there needs to be connectedness to ensure less emphasis on the vehicle. Less emphasis on the vehicle was also important because if the project was approved there would be an increase in area traffic because of the increase in density. Mr. Schoenwetter agreed, adding he would be willing to look into finding a way to accomplish sidewalks.
- The Commission questioned bike storage – Schoenwetter said each unit has garage and storage space below ground.
- The Commission suggested flipping the homes so the proposed homes don't front the rear yard of the adjacent homes. Mr. Schoenwetter responded if the Commission wants that as a condition the reversal would be reviewed. Schoenwetter pointed out because this was a sketch plan review there was time to reevaluate the project. Concluding Schoenwetter said the original intent was to use the rear yards as a pedestrian corridor deemphasizing the church parking lot.
- The Commission asked Mr. Schoenwetter if he ever considered fewer units. Mr. Schoenwetter said if he reduces the number of units the price of the units would

increase. The Commission asked the price points of the proposed homes. Mr. Schoenwetter said the price points of the new homes would roughly be in the 600-thousand range. Schoenwetter said there was also the potential for future growth, a possible Phase II, depending on what happens with the present church.

- The Commission expressed some concern with lot depth – adding that the rear yard may need more "breathing room". Ms. Alexander said when the project was designed they considered the rear yard as more of a side yard, adding in reality the side yard functions as the rear yard.
- Consider flipping the entrance to the garages.

The discussion continued with the Commission acknowledging the creative approach this project presents and that the location of the project is generally good; especially in relation to 50<sup>th</sup> and France and the potential to promote and encourage walkability. The Commission said there are many good parts to this proposal but also obstacles.

Continuing the Commission pointed out that if this project proceeds a rezoning is required and the guide plan of the Comprehensive Plan would need to be amended to accommodate this type of land use; noting that's a "big deal". The Commission also pointed out that density could become an issue depending on the final zoning classification of the project, noting this project envisions a change in density that's in between PSR-PRD in a predominantly R-1 neighborhood. Schoenwetter said Edina has a unique zoning ordinance and if approved conditions could be placed on the project, adding Bishops' Walk could be considered transitional zoning between the commercial properties to the east and the surrounding R-1 properties. The Commission acknowledged the multiple zoning districts within the 50<sup>th</sup> and France area; however, indicated they want to keep their "eyes open" when considering projects that include rezoning and comprehensive guide changes. Concluding, the Commission noted that residents rely on the City's ordinances when purchasing a property, reiterating any changes would need to be carefully weighed. Schoenwetter said in his opinion, in reality this project could be considered a form of single family development.

The discussion continued with the Commission reiterating there's a difference between PRD and PSR zoning classifications pointing out these districts have different requirements and density ratios. Mr. Schoenwetter said in his opinion the proposed homes will fit the neighborhood and would replace some very tired homes. He added he doesn't have a strong preference between the two proposed zoning classifications; however, believes this product would appeal to the "empty nester". The Commission did agree that this was an attractive project for empty nesters because it provides them with a detached single family home with common underground garages. Continuing, the Commission acknowledged that the project makes sense and the concept is attractive; however, there will be many different opinions about the project and *it is very important to engage the neighborhood* in the process to assess their feelings. It was acknowledged by the Commission that the project was an attractive unique concept, which could benefit the community if done correctly and in the right place; however, they reiterated and underscored that amending the comprehensive guide plan and rezoning

the site is a change and given the City's recent history it is very important to reach out to the neighborhood before a formal application is submitted to the City.

Chair Grabiell asked if anyone present would like to speak to this proposal; being none, Chair Grabiell thanked Mr. Schoenwetter for his presentation.

## **B. Ordinance Amendment Regarding Variances as a result of the Krummenacher Decision**

Planner Aaker noted the attached ordinance amendment was drafted by Roger Knutson, City Attorney. Staff recommends that the Planning Commission recommend approval of the ordinance amendment as drafted to bring Edina's Ordinance into compliance with State Law.

### **Discussion**

The Commission said in reviewing the proposed language that they observed what they considered sequencing issues under #4. "Practical difficulties" adding that the order of "practical difficulties" could matter in interpretation. The Commission also noted that #5 ends with the word and, which could signify that there would be a #6. Planner Aaker responded that she will raise those concerns to Roger Knutson .

### **Motion**

**Commissioner Staunton moved approval of the concept of the ordinance amendment noting the amended ordinance as drafted conforms to State Statutes and that the Commission has a few questions they would like clarified before the City Council meeting. Commissioner Scherer seconded the motion. All voted aye; motion carried.**

## **VII. CORRESPONDENCE AND PETITIONS**

Chair Grabiell noted receipt of the Council Connection

## **VIII. CHAIR AND COMMISSION MEMBERS COMMENTS:**

Commissioner Platteter said that he, along with Commissioner Potts continue to meet with the Energy and Environment Commission on ordinance language with the goal of presenting the ordinance to the Planning Commission late summer; early fall.

Commissioner Staunton noted the Council's suggested a meeting with the Planning Commission on Rooftop Dining and wondered if that would occur.

Commissioner Staunton said on May 12<sup>th</sup> the Grandview Small Area Plan Steering Committee met continuing their discussion on the Grandview area. Staunton noted that



the next regular scheduled meeting of the Steering Committee was June 16 at the Edina Senior Center. All are welcome to attend.

**IX. ADJOURNMENT:**

**Commissioner Potts moved adjournment at 8:50 pm. Commissioner Platteter seconded the motion. All voted aye; motion carried.**

*Jackie Hoogenakker*  
respectfully submitted